

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JACKIE LEE WILLIAMS

:

Petitioner

:

v

:

Civil Action No. WDQ-05-3272

WARDEN

:

Respondent

:

o0o

MEMORANDUM

The above-captioned case was docketed on December 6, 2005, upon receipt of an emergency request for temporary restraining order from Petitioner. Paper No. 1. The pleading has been construed as a Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241.

Petitioner, a prisoner at Maryland Correctional Institution in Jessup (MCIJ), claims he is being held in custody beyond the maximum expiration date of his 10 year term of incarceration. *Id.* He asserts he should have been released on August 21, 2005, but correctional officials refuse to authorize his transfer to Wicomico County Detention Center to await trial on pending criminal charges. *Id.*

It cannot be discerned from the information provided whether Petitioner has presented his claim to the appropriate state forum. Under *Rose v. Lundy*, 455 U.S. 509 (1982), before a petitioner may file a petition seeking habeas relief in federal court, he or she must exhaust each claim presented to the federal court through remedies available in state court.¹ Petitioner's claim is subject to review in the Maryland courts. *See Maryland House of Correction v. Fields*, 113 Md. App. 136, 140, 686 A. 2d 1103, 1105 (1996) (habeas relief is appropriate where

¹ This exhaustion requirement is satisfied by seeking review of the claim in the highest state court with jurisdiction to consider the claim.

prisoner alleged that prison officials' actions were unauthorized, that he was unlawfully detained, and was entitled to immediate release). Accordingly, Petitioner shall be required to supplement his petition with information regarding his efforts, if any, to present this claim to the appropriate state court. He also will be required to submit the required civil filing fee or an application for leave to proceed in forma pauperis. Petitioner is forewarned that his failure to provide this information will result in the dismissal of this petition without prejudice and without further warning from this Court.

A separate order follows.

December 20, 2005
Date

_____/s/_____
William D. Quarles, Jr.
United States District Judge